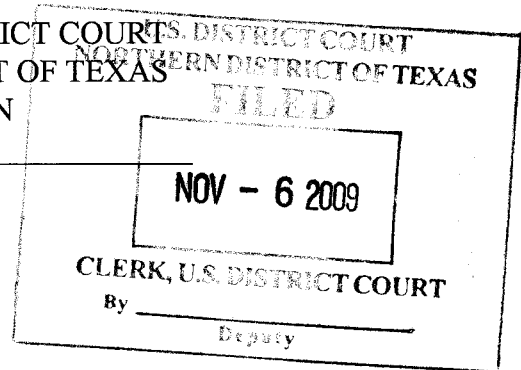


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



BENNIE RAY JOHNSON, PRO SE,  
also known as  
BENNIE JOHNSON  
TDCJ-CID No. 819383,  
Previous TDCJ-CID No. 799113,

Plaintiff,

**V.**

WILLIAM K. SUTER,  
Clerk, U.S. Supreme Court,

Defendants.

[illegible]

2:08-CV-0070

## ORDER REVOKING PAUPER STATUS AND ORDER OF DISMISSAL

Plaintiff BENNIE RAY JOHNSON, acting *pro se* and while a prisoner confined in the Texas Department of Criminal Justice, Institutional Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-referenced defendant and was granted permission to proceed *in forma pauperis*.

On September 21, 2009, a Report and Recommendation was issued by the United States Magistrate Judge recommending revocation of plaintiff's pauper status and dismissal of the instant cause for failure to pay the requisite filing fee. Plaintiff was advised that if he paid the remaining filing fee within fourteen days, the Report and Recommendation of dismissal would be withdrawn.

The period for objections has expired, and plaintiff has failed to file objections to the September 21, 2009 Report and Recommendation. Further, he has made no attempt to pay the

filing fee in this cause.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that plaintiff's pauper status is REVOKED and the instant cause is DISMISSED WITHOUT PREJUDICE TO REILING WITH PREPAYMENT OF THE FILING FEE. 28 U.S.C. § 1915(g).


LET JUDGMENT BE ENTERED ACCORDINGLY.

All pending motions are DENIED.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

IT IS SO ORDERED.

ENTERED this 6<sup>th</sup> day of November, 2009.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE